

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

Ent: 309586 - Pg 1 of 13  
Date: 6/23/2008 12:52 PM  
Fee: \$0.00 NO CHARGE  
Filed By: RGL  
CALLEEN B PESHELL, Recorder  
Tooele County Corporation  
For: STATE OF UT GOVERNORS OFF

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Tooele County as it pertains to the highway located in Tooele County known as Death Canyon Road; County Road Number: tc02870; State Geographic Information Database (SGID) Road Identification Number: RD230102. Total road length is 0.94 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 20<sup>th</sup> day of June, 2008.

By the Governor's Designee

  
John Harja

### CERTIFICATION

State of Utah                     )  
  : ss  
County of Salt Lake         )

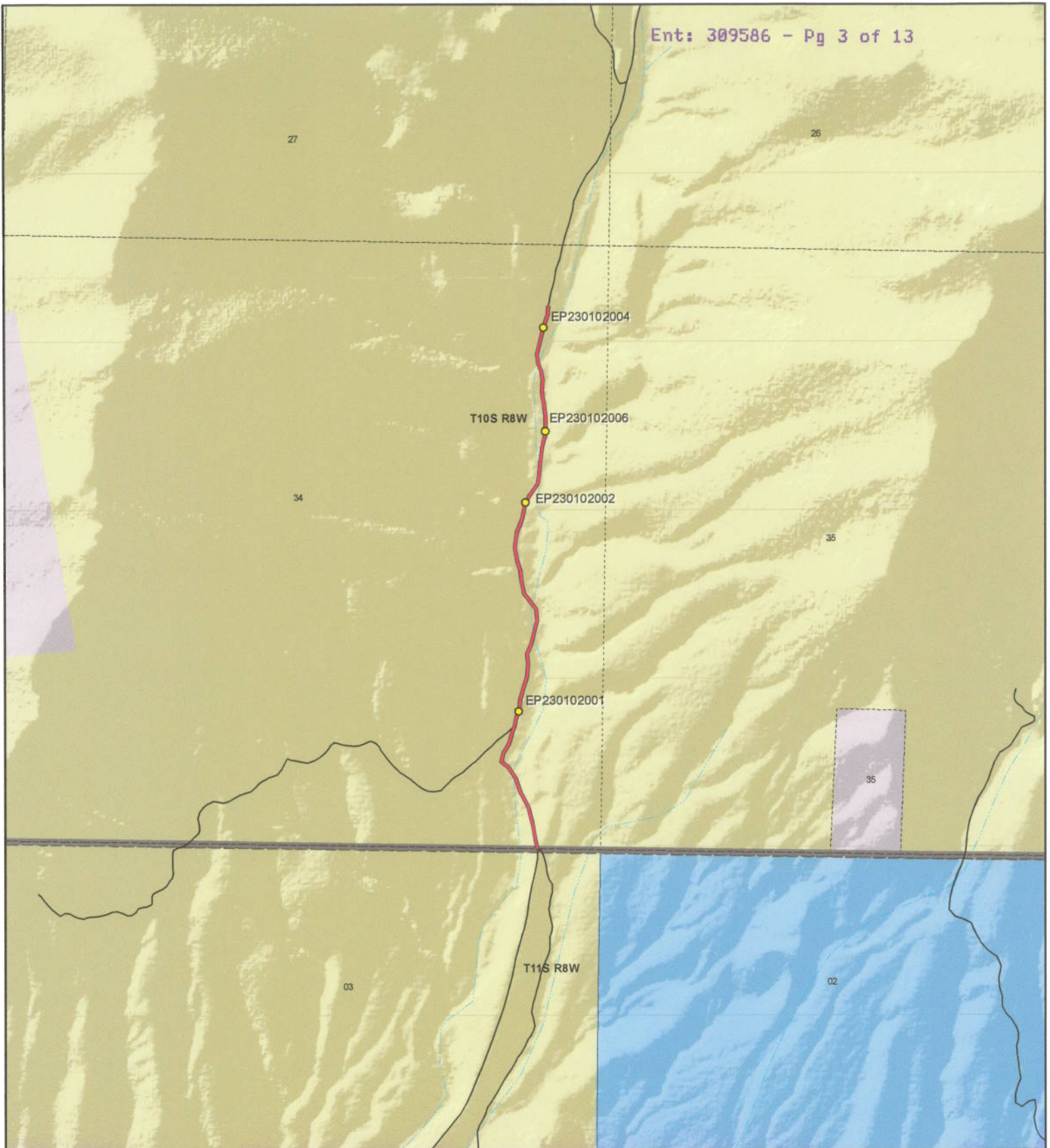
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 20<sup>th</sup> day of June, 2008.



  
Notary Public





**Death Canyon Road - Tooele County**  
**SGID RD\_ID RD230102**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- Wilderness
- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

**Transportation Network**

- Death Canyon Road
- Title V: Issued Or Under Consideration By BLM Or County
- Other Roads
- Photo Event Point
- Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jun 17, 2008







EP230102001



EP230102002



EP230102004



EP230102006

EP000000000

EP000000000

**Death Canyon Road - Tooele County**  
**SGID RD\_ID RD230102**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
June 18, 2008



### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: Death Canyon Road**

**County: Tooele**

**County Road Number: tc02870**

**State Geographic Information Database (SGID) Road Identification Number: RD230102.**

**Total Road Length: 0.94 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 54 minutes 13.07 seconds North Latitude and -112 degrees 43 minutes 37.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,296,233.2 feet and Y = 7,135,981.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 54 minutes 59.74 seconds North Latitude and -112 degrees 43 minutes 36.97 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,296,302.1 feet and Y = 7,140,703.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 8 West, Section(s) 34, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

## Attachment 4 Road Centerline Description Cover Page(s)

**Popular Name:** Death Canyon Road

**County:** Tooele

**County Road Number:** tc02870

**State Geographic Information Database (SGID) Road Identification Number:** RD230102.

**Total Road Length:** 0.94 miles more or less.

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD230102</b>	<b>001</b>	<b>BLM</b>	<b>0.94 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>0.94</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## **Attachment 5**



**AFFIDAVIT OF JAMES S. MCKENDRICK**

**DEATH CANYON ROAD**

**TOOELE COUNTY, UTAH**

**ROAD NUMBER tc02870**

State of Utah                     )  
  : ss.  
County of Tooele                )

JAMES S. MCKENDRICK, being first duly sworn, deposes and states as follows:

1.     I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Tooele, Tooele County, Utah. I have lived in Tooele County for most of the past 76 years. I was employed by the Tooele County Road Department from 1963 to 1993.

2.     I have traveled and am familiar with a road in Tooele County known as Death Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in the early 1990s when I last observed it. Attached is a Tooele County map showing Death Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.     The County also identifies this road according to the road number listed above.

4.     I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through the early 1990s. Throughout this time period I observed travel on the road by means of cars, pickup trucks and ATVs. During this time period, the road was used daily, for more than ten continuous years prior to 1976 and was so used in the early 1990s.

5.     Throughout the time period from the early 1960s to the early 1990s, I have used the road myself for county road maintenance and travel though the area.



6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus livestock operations, hunting and recreation.

7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I graded and performed maintenance and construction activities on the road.

DATED this 22 day of May, 2008.

  
JAMES S. MCKENDRICK

SUBSCRIBED AND SWORN to before me this 22 day of May, 2008.



  
NOTARY PUBLIC

T10S R8W

34

35

35

03

T11S R8W

02

**Tooele County  
Death Canyon Road  
County Unique - tc02870**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- Military
- Tribal
- Wilderness
- State Park

**Transportation Network**

- Death Canyon Road
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:13,384  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 21, 2008



**AFFIDAVIT OF LEE F. NIX**

**DEATH CANYON ROAD**

**TOOELE COUNTY, UTAH**

**ROAD NUMBER tc02870**

State of Utah                     )  
  : ss.  
County of Tooele                )

LEE F. NIX, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Tooele, Tooele County, Utah. I was born and raised in Tooele County and have lived here all of my life for 80 years.

2.       I have traveled and am familiar with a road in Tooele County known as Death Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1930s it followed the same route as in 2005 when I last observed it. Attached is a Tooele County map showing Death Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1930s and continuing through 2005. During this time period I have observed travel on the road by means of cars, pickup trucks and ATVs. During this time period, the road was used daily, weather permitting, for more than ten continuous years prior to 1976 and was so used in 2005.



5. During the time period from the late 1930s to 2005, I have used the road myself for sightseeing and recreation, livestock operations, hunting, trapping and travel in and through the area.

6. During the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph.

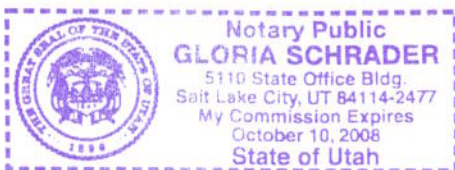
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction such as berms along the side of the road.

DATED this 1 day of May, 2008.

  
LEE F. NIX

SUBSCRIBED AND SWORN to before me this 1st day of May, 2008.



  
NOTARY PUBLIC

T10S R8W

34

26

35

35

03

T11S R8W

02

**Tooele County  
Death Canyon Road  
County Unique - tc02870**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- Military
- Tribal
- Wilderness
- State Park

**Transportation Network**

- Death Canyon Road
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:13,384  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 21, 2008





## Appendix A to Attachment 4

**Popular Name: Death Canyon Road**

**County: Tooele**

**County Road Number: tc02870**

**State Geographic Information Database (SGID) Road Identification Number: RD230102.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.94 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 10 South Range 8 West, Section(s) 34, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Death Canyon Road)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 39 degrees 54 minutes 13.07 seconds North Latitude and -112 degrees 43 minutes 37.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,296,233.2 feet and Y = 7,135,981.6 feet; thence the following courses along the said road center line:

thence North 26 Degrees 32 Minutes 00 Seconds West 23.8 feet  
thence North 12 Degrees 54 Minutes 26 Seconds West 72.3 feet  
thence North 11 Degrees 21 Minutes 22 Seconds West 133.7 feet  
thence North 13 Degrees 58 Minutes 21 Seconds West 141.8 feet  
thence North 28 Degrees 00 Minutes 25 Seconds West 142.6 feet  
thence North 19 Degrees 06 Minutes 00 Seconds West 138.6 feet  
thence North 33 Degrees 57 Minutes 50 Seconds West 108.4 feet  
thence North 50 Degrees 39 Minutes 46 Seconds West 82.3 feet  
thence North 14 Degrees 36 Minutes 33 Seconds East 71.3 feet  
thence North 29 Degrees 58 Minutes 34 Seconds East 96.9 feet  
thence North 16 Degrees 32 Minutes 28 Seconds East 109.7 feet  
thence North 15 Degrees 29 Minutes 49 Seconds East 40.9 feet



thence North 14 Degrees 26 Minutes 49 Seconds East 74.6 feet  
 thence North 15 Degrees 49 Minutes 54 Seconds East 99.1 feet  
 thence North 05 Degrees 38 Minutes 46 Seconds East 72.6 feet  
 thence North 14 Degrees 09 Minutes 15 Seconds East 93.2 feet  
 thence North 17 Degrees 25 Minutes 21 Seconds East 112 feet  
 thence North 04 Degrees 01 Minutes 37 Seconds East 116.8 feet  
 thence North 04 Degrees 51 Minutes 11 Seconds West 87.2 feet  
 thence North 23 Degrees 08 Minutes 26 Seconds East 84.1 feet  
 thence North 14 Degrees 46 Minutes 44 Seconds East 107 feet  
 thence North 13 Degrees 45 Minutes 15 Seconds East 113.3 feet  
 thence North 06 Degrees 42 Minutes 18 Seconds West 97.4 feet  
 thence North 39 Degrees 19 Minutes 16 Seconds West 86.5 feet  
 thence North 36 Degrees 08 Minutes 30 Seconds West 46.5 feet  
 thence North 36 Degrees 18 Minutes 49 Seconds West 38.5 feet  
 thence North 12 Degrees 25 Minutes 01 Seconds West 94 feet  
 thence North 05 Degrees 17 Minutes 59 Seconds West 102.1 feet  
 thence North 19 Degrees 36 Minutes 44 Seconds West 104.3 feet  
 thence North 09 Degrees 01 Minutes 03 Seconds West 112.8 feet  
 thence North 08 Degrees 18 Minutes 53 Seconds East 131.1 feet  
 thence North 21 Degrees 20 Minutes 09 Seconds East 121.8 feet  
 thence North 11 Degrees 31 Minutes 11 Seconds East 103.9 feet  
 thence North 18 Degrees 45 Minutes 17 Seconds East 83.3 feet  
 thence North 31 Degrees 37 Minutes 20 Seconds East 32.9 feet  
 thence North 37 Degrees 00 Minutes 11 Seconds East 33 feet  
 thence North 32 Degrees 26 Minutes 17 Seconds East 89.7 feet  
 thence North 10 Degrees 48 Minutes 02 Seconds East 98.6 feet  
 thence North 03 Degrees 04 Minutes 32 Seconds East 105.2 feet  
 thence North 07 Degrees 09 Minutes 54 Seconds East 115.8 feet  
 thence North 13 Degrees 57 Minutes 31 Seconds East 130.3 feet  
 thence North 01 Degrees 01 Minutes 15 Seconds West 134.5 feet  
 thence North 06 Degrees 15 Minutes 03 Seconds West 85.8 feet  
 thence North 10 Degrees 34 Minutes 08 Seconds West 86.7 feet  
 thence North 06 Degrees 01 Minutes 58 Seconds West 56.1 feet  
 thence North 02 Degrees 09 Minutes 32 Seconds East 98.5 feet  
 thence North 09 Degrees 27 Minutes 23 Seconds West 84.7 feet  
 thence North 20 Degrees 37 Minutes 36 Seconds West 70 feet  
 thence North 08 Degrees 00 Minutes 15 Seconds West 71.2 feet  
 thence North 13 Degrees 39 Minutes 59 Seconds East 96.4 feet  
 thence North 13 Degrees 10 Minutes 24 Seconds East 109.7 feet  
 thence North 16 Degrees 43 Minutes 35 Seconds East 77.2 feet  
 thence North 14 Degrees 54 Minutes 43 Seconds East 79.9 feet  
 thence North 06 Degrees 02 Minutes 49 Seconds East 71 feet more or less to **the ending point**  
**at:** 39 degrees 54 minutes 59.74 seconds North Latitude and -112 degrees 43 minutes 36.97 seconds West  
 Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet  
 coordinates of X = 1,296,302.1 feet and Y = 7,140,703.3 feet.